

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER LUBAWSKI,)	
)	Civil Action No. 11-1246
Petitioner,)	
)	
v.)	
)	District Judge Nora Barry Fischer
JOSEPH F. MAZURKIEWICZ,)	
Superintendent of SCI-Greensburg; THE)	
PENNSYLVANIA BOARD OF)	
PROBATION AND PAROLE,)	
)	
Respondents.)	

MEMORANDUM ORDER:

On September 29, 2011, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 16, 2012 (ECF No. 13) recommending that the Petition for Writ of Habeas Corpus be dismissed as moot and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had September 4, 2012 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th day of September, 2012:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED AS MOOT.**

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 13) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

Walter Lubawski
CD-7288
S.C.I. Lane
165 SCI Lane
Greensburg, PA 15601